

**To:** Mehta, Sandeep[mehta.sandeep@epa.gov]; Mills, Brian (Safety)[brian.mills@titan-intl.com]; Gazi George (gazigeorge@gmail.com)[gazigeorge@gmail.com]; Hylton Jackson (hylton.jackson@dnr.iowa.gov)[hylton.jackson@dnr.iowa.gov]; Vern Rash (rash@dmww.com)[rash@dmww.com]; jcramm@tiilegal.com[jcramm@tiilegal.com]  
**Cc:** 'kthompson@fehr-graham.com'[kthompson@fehr-graham.com]  
**From:** George, Gazi (Environmental)  
**Sent:** Wed 2/11/2015 4:21:27 PM  
**Subject:** RE: DICO PER-28

Mr. Mehta

On behalf of DICO and its consultants, and for the record, I am making an official request that EPA Region VII strike the paragraph highlighted below from your February 9<sup>th</sup>, 2015 due to clear violations of professional standards and work ethics. You forced DICO and its consultant Fehr Graham, to use your words as obviously noted in the highlighted portion of USEPA document below which clearly shows your attempt to insert these words then “feed off them” threatening DICO that if they don’t use your sentences below, USEPA will refuse to accept the annual report and deem them out of compliance. Sadly, and factually, DICO’s annual report was complete and met all the required standards. The technical interpretations within the report were based on solid scientific data supported by laboratory testing and professional expert reviews.

A copy of page 2 of September 9, 2014 USEPA comment letter and page 3 of our revised PER #28, dated October 2, 2014 is copied below to refresh your memory. DICO and its consultants are surprised that you are reverting to using such threats of rejecting an annual report unless they include derogatory words that EPA forcefully inserted them, furthermore, you quote those same words and issue a harsh unfounded letter based on such unfair and clear violation of the first amendment and illegally attempting to prevent DICO from expressing a valid opinion. This is unheard of in a Country that exemplifies freedom of speech to the rest of the World. We don’t live in North Korea, Sir.

Again, Mr. Mehta, DICO is asking you and USEPA Region 7 to withdraw your statements highlighted in the above paragraph and issue a retraction that is based on facts, science and reflect professionalism. This bullying is totally unacceptable.

Here is your rejection statement:

Ms. Cheri T. Holley

DICO

2345 East Market Street

Des Moines, Iowa 50317

Re: NOTICE OF DISAPPROVAL

The U.S. Environmental Protection Agency received DICO's Performance Evaluation Report No. 28 (Report) on May 22, 2014. The EPA has reviewed the Report and disapproves of the document in accordance with paragraph 36 of the above-referenced Administrative Order. Attached to this letter are the EPA's comments to the Report and the reasons the EPA cannot approve this document. Please note that while the EPA's attached comments reference specific sections of the Report, the comments are applicable to the entire Report. In accordance with paragraph 36 of the above-referenced Administrative Order, DICO must submit a revised report within thirty days of receipt of this notice that addresses each of the comments to the satisfaction of the EPA.

And here is what you insisted to be included and if not EPA will reject the Annual Report quoting your own words:

The EPA disagrees with DICO's contention, mentioned on page 1 fourth paragraph that the system has reached the stage where it can be eliminated. The EPA has communicated its position to DICO repeatedly through comments provided on past Performance Evaluation Reports. The EPA also would like to point out DICO's consultant agrees with EPA's position in the Report via the statement that can be found on page 3, Section 2.3, last sentence of the paragraph which states: "The contaminant...and indicates continued recovery and plume contaminant is necessary to extract source mass."

**Page 2 (item 6) September 9, 2014:** Mr. Mehta's own comments highlighted then quoted:

EPA Review Comments  
Performance Evaluation Report 28  
DICO, Des Moines, Iowa  
June 2014

Comment No.	Page/ Section/ Paragraph	Comment
6	Page 3, Section 2.3, Paragraph 1, Figure 5/Sentence 6	<p>The text indicates that this figure shows a relatively constant or narrow range in recovered TCE concentrations exists. Figure 5 depicts influent concentrations that range from &lt;100 µg/L to &gt;1000 µg/L over the most recent 10 year period. The text must indicate that sentence refers only to 2013 rather than the most recent 10 year period represented by Figure 5. In addition, DICO is required to add, in the report, the range for COCs, i.e. TCE, 1,2-DCE, and vinyl chloride and compare with their MCLs.</p> <p>DICO must delete the next to last sentence of the 1<sup>st</sup> paragraph under section 2.3 as it is a subjective statement and the EPA disagrees with the conclusion due to the reasons provided above. Please revise the last sentence in this paragraph to read "The contaminant concentrations are generally consistent with that observed in 2012 and indicates continued recovery and plume containment is necessary to extract source mass." Please correct and re-submit the report for the EPA's approval.</p>
7	Page 4, Section 3.0, Sentence 2/4/5/6	<p>The text indicates a groundwater capture width of 100 feet or less is an example of the effectiveness of the pump and treat system. Please explain the reasoning for this statement. Review and revise as appropriate. The text indicates that in this zone, water from the Raccoon River is lost to the groundwater system. If "in this zone" refers solely to inside the meander, please revise the sentence to be inclusive of zones on either side of the river.</p> <p>The text indicates the reason for water being lost from the river to the groundwater system is likely a remnant effect of the infiltration gallery. The text must indicate that use of the spillway flash boards allows the river elevation to rise above its banks which increases the downward hydraulic pressure into the groundwater system rather than being due to the infiltration gallery. The following sentence infers the consistent groundwater low in the area of piezometer P-2 is due to the remnant effects of the infiltration gallery. Please explain and revise the report.</p> <p>DICO is requested to modify the first sentence to read as follows: "Based on data on the east side of Raccoon River, the pump and treat system is effectively reducing, and/or eliminating, the off-site migration of contaminants to the DMWW's north infiltration gallery." Please re-submit the report for the EPA's approval.</p>
8	Page 5, Section 5.0, Sentence 3	<p>The text indicates the north gallery is between well NW-9 and piezometer P-4. Numerous figures depict the north gallery as extending from the north side of the river, paralleling Fleur Drive to manhole MH-1. Does the south gallery begin at the manhole? If so, the 1,000 ft. distance from P-4 is not correct. Please review and revise as appropriate.</p>

**From:** Mehta, Sandeep [mailto:mehta.sandeep@epa.gov]  
**Sent:** Monday, February 09, 2015 3:27 PM  
**To:** Mills, Brian (Safety); Gazi George (gazigeorge@gmail.com); George, Gazi (Environmental); Hylton Jackson (hylton.jackson@dnr.iowa.gov); Vern Rash (rash@dmww.com); Cheri Holley; jcramm@tiilegal.com  
**Subject:** DICO PER-28

Here is the electronic copy of the letter that is being out via USPS.

Regards,

Sandeep Mehta, P.E.

[mehta.sandeep@epa.gov](mailto:mehta.sandeep@epa.gov)

Phone: 913-551-7763



**From:** Kelly, Cheryl  
**Sent:** Thursday, September 18, 2014 3:09 PM  
**To:** Brian Mills ([Brian.Mills@titan-intl.com](mailto:Brian.Mills@titan-intl.com)); Gazi George ([gazigeorge@gmail.com](mailto:gazigeorge@gmail.com)); Gazi George ([Gazi.George@titan-intl.com](mailto:Gazi.George@titan-intl.com)); Hylton Jackson ([hylton.jackson@dnr.iowa.gov](mailto:hylton.jackson@dnr.iowa.gov)); Vern Rash ([rash@dmww.com](mailto:rash@dmww.com))  
**Cc:** Mehta, Sandeep  
**Subject:**

On behalf of Sandeep Mehta

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